

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

PEARSON DOUGLAS,)	
)	
Plaintiff,)	
)	
v.)	No. 2:20-cv-00010-JPH-DLP
)	
WARDEN,)	
)	
Defendant.)	

ORDER DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS

Petitioner Pearson Douglas (or Douglas Pearson) brought this action pro se by filling out the Court’s form petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He alleges that his placement in segregated housing violates the Constitution.

Rule 4 of the *Rules Governing Section 2254 Proceedings in the United States District Court* provides that upon preliminary consideration by the Court, “[i]f it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court, the judge must dismiss the petition and direct the clerk to notify the petitioner.” It plainly appears from Mr. Douglas’s habeas petition that this action must be dismissed for lack of jurisdiction.

Challenges to the conditions of confinement must be brought in a civil rights action under 42 U.S.C. § 1983, rather than a habeas action, as Mr. Douglas attempts in this petition.¹ *See Muhammad v. Close*, 540 U.S. 749, 750 (2004) (per curiam) (“Challenges to the validity of any confinement or to particulars affecting its duration are the province of habeas corpus; requests for relief turning on circumstances of confinement may be presented in a § 1983 action.”). A § 2254

¹ Mr. Douglas has at least one civil rights action raising similar allegations to those raised here. *See Pearson v. Dwenger*, 4:19-cv-00285-SEB-DML.

habeas action is inappropriate because, in any such action, “the successful petitioner must demonstrate that he ‘is in custody in violation of the Constitution or laws or treaties of the United States.’” *Brown v. Watters*, 599 F.3d 602, 611 (7th Cir. 2010) (quoting 28 U.S.C. § 2254(a)). “[A] habeas corpus petition must attack the fact or duration of one’s sentence; if it does not, it does not state a proper basis for relief.” *Washington v. Smith*, 564 F.3d 1350, 1350 (7th Cir. 2009).

This action is **DISMISSED** without prejudice for lack of jurisdiction. Final judgment shall now issue.

SO ORDERED.

Date: 3/4/2020



James Patrick Hanlon
United States District Judge
Southern District of Indiana

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